

Message Text

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ACTION EUR-12

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R 161410Z JUN 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC 6017
INFO AMEMBASSY ATHENS
AMEMBASSY ANKARA
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1580

E.O. 11652: GDS
TAGS: PINR, CY, US
SUBJECT: DAVIES TRIAL

SUMMARY: THIS IS THE TENTH CHRONOLOGICAL REPORT ON
TRIAL HIGHLIGHTS NOT OTHERWISE REPORTED. ON JUNE 14 AND 15
KTIMATIAS AND LEFTIS ELECTED TO MAKE STATEMENTS TO THE COURT
FROM THE DOCK, INSTEAD OF UNDER OATH. THIS TACTIC ON THEIR
PART PRECLUDED CROSS-EXAMINATION BY THE PROSECUTION. KTIMATIAS
DENIED TAKING PART IN THE RIOT, CLAIMING HE HAD TRIED TO
DISPERSE THE RIOTERS; DENIED FIRING AT THE EMBASSY BUILDING,
AND INSISTED HE HAD BEEN LAWFULLY ISSUED AN AUTOMATIC WEAPON
BY THE NATIONAL GUARD. A CYPOL WITNESS TESTIFIED THAT
KTIMATIAS HAD BEEN ISSUED A PISTOL, BUT NOT AN AUTOMATIC
WEAPON. THE COURT REFUSED TO ACCEPT IN EVIDENCE A NATIONAL
GUARD CERTIFICATE PERTAINING TO KTIMATIAS' SERVICE WITH IT OR
A PURPORTED NATIONAL GUARD LICENSE FOR KTIMATIAS TO
CARRY AN AUTOMATIC WEAPON. (WE BELIEVE THESE RULINGS
TO BE SIGNIFICANT, AND A SMALL PLUS FOR THE PROSECUTION.)
LEFTIS ALSO INSISTED THE NATIONAL GUARD HAD LAWFULLY
ISSUED HIM THE AUTOMATIC WEAPON HE HAD WITH HIM AT THE
EMBASSY WHEN HE ALSO TRIED TO DISPERSE THE RIOTERS. HE
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INSISTED HE HAD NOT FIRED THE WEAPON. THE COURT WILL
HEAR THE CLOSING ARGUMENTS BY DEFENSE AND PROSECUTION
ON JUNE 16. THE VERDICT WILL BE ANNOUNCED ON MONDAY,
JUNE 20. PHERSON DEPARTS NICOSIA ON JUNE 21.
END SUMMARY.

1. PROCEEDINGS OF JUNE 14: THE HIGHLIGHTS OF THE STATE-

MENT READ TO THE COURT BY KTIMATIAS ON JUNE 14 WERE AS
FOLLOWS:

A. HE WAS IN NICOSIA ON AUGUST 19, 1974 ACCOMPANYING A GREEK ARMY MAJOR. HE STOPPED AT POLICE HEADQUARTERS FOR PETROL AND BECAME AWARE OF SOUNDS OF SHOTS AND MUCH SMOKE IN THE EMBASSY AREA. HIS DUTIES TOOK HIM BY THE EMBASSY AND HE DECIDED, AS A MEMBER OF THE SECURITY FORCES, TO STOP AND HELP DISPERSE THE RIOT. IT WAS THEN ABOUT 1245 HOURS.

B. HE TALKED BRIEFLY TO FIREMAN 801; THEN THE SMOKE AND TEAR GAS BECAME SO BAD HE JOINED MANY OTHERS IN TAKING REFUGE AT THE EASTERN CORNER OF THE ALPAN BUILDING, WHICH WAS THEN UNDER CONSTRUCTION. HE PLACED HIS AUTOMATIC WEAPON ON THE SCAFFOLDING SIMPLY TO PUT IT DOWN, CERTAINLY NOT TO FIRE IT. HE HAD NO INTENTION OF FIRING AND DID NOT FIRE. INSPECTOR IERIDES THEN APPROACHED HIM, TOOK HIM BY THE HAND AND LED HIM AWAY FROM THE ALPAN BUILDING TOWARDS THE HILTON HOTEL.

C. HE STATED HE HAD NOT TAKEN PART IN THE DEMONSTRATION, HAD NOT ENCOURAGED ANYONE ELSE TO DO SO, AND HAD TRIED TO DISPERSE THE RIOTERS. HE SAID HE NEVER ENTERED THE ALPAN BUILDING.

D. HE OFFERED INTO EVIDENCE A CERTIFICATE FROM THE NATIONAL GUARD ATTESTING TO HIS SERVICE FROM JULY 31, 1974 THROUGH AUGUST 19, 1974. HE ALSO OFFERED A
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PURPORTED LICENSE ISSUED HIM BY THE NATIONAL GUARD FOR THE AUTOMATIC WEAPON HE HAD IN HIS POSSESSION AT THE TIME. HE STATED HE HAD BELIEVED, IN GOOD FAITH, THAT THE NECESSARY PROCEDURES HAD BEEN COMPLIED WITH BY THE NATIONAL GUARD FOR HIM TO OFFER HIS SERVICES FOR DANGEROUS MISSIONS WHICH REQUIRED AN AUTOMATIC WEAPON. HE CITED HIS ACTIONS IN DEFENDING THE NICOSIA AIRPORT AS A CASE IN POINT. HE CONCLUDED, IN AN EMOTIONAL MANNER, WITH THESE WORDS: "THE STATE ACCEPTED MY SERVICES AND PAID ME FOR THOSE SERVICES, AND IT IS NOT PROPER AT A LATER STAGE TO INQUIRE WHETHER THOSE SERVICES WERE IN ACCORDANCE WITH REGULATIONS. IF I WERE KILLED DURING THOSE OPERATIONS, HELL WOULD NOT SEND ME BACK TO LIFE BECAUSE I HAD GONE NEAR IT CONTRARY TO THE REGULATIONS."

2. THE COURT DID NOT ACCEPT INTO EVIDENCE EITHER THE NATIONAL GUARD CERTIFICATE PERTAINING TO KTIMATIAS' GUARD SERVICE OR THE PURPORTED NATIONAL GUARD LICENSE FOR KTIMATIAS TO CARRY AN AUTOMATIC WEAPON. (COMMENT:

IN THE OPINION OF THE PROSECUTION, IF THE COURT HAD ACCEPTED THESE TWO DOCUMENTS INTO EVIDENCE, IT WOULD HAVE BEEN TANTAMOUNT TO DISMISSING THE CHARGE OF ILLEGAL POSSESSION/USE OF A FIREARM. THE PROSECUTION WAS MOST PLEASED WITH THIS DEVELOPMENT. END COMMENT.)

3. POLICE INSPECTOR (STOREKEEPER) ASHIOTIS TESTIFIED THAT KTIMATIAS HAD A LICENSE, SINCE 1972, TO CARRY A WEMBLY (SIC) PISTOL. IN JANUARY 1975 ALL POLICE WERE REQUESTED TO COMPLETE FORMS AND DECLARE ALL GUNS IN THEIR POSSESSION. KTIMATIAS DECLARED HIS PISTOL AND AN AUTOMATIC WEAPON (STEN GUN). THE WITNESS DECLARED THAT KTIMATIAS HAD HAD NO LICENSE TO CARRY AUTOMATIC WEAPONS. END OF JUNE 14 PROCEEDINGS.

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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 1580

4. PROCEEDINGS OF JUNE 15: THE HIGHLIGHTS OF THE STATEMENT LEFT IS READ TO THE COURT WERE AS FOLLOWS:

A. ON AUGUST 19, 1974 HE WAS AT THE EMBASSY WITH A MARSIP AUTOMATIC WEAPON. THE WEAPON HAD BEEN ISSUED HIM LAWFULLY BY THE NATIONAL GUARD AT THE TIME HE VOLUNTEERED HIS SERVICES ON JULY 20, 1974, THE DAY OF THE TURKISH INVASION. HE HAD FOUGHT THE TURKS AT DHIKIMO AND AT MIA MILIA. DURING THE JULY 20-AUG. 19 PERIOD HE HAD HANDLED MANY WEAPONS FOR THE NATIONAL GUARD, OFTEN DELIVERING THEM TO THE TECHNICAL SCHOOL FOR REPAIR.

B. ON AUGUST 19 HE HAD ACCOMPANIED OTHER SOLDIERS TO THE EMBASSY AREA IN ORDER TO DISPERSE A RIOT. HE HAD ARRIVED AT THE EMBASSY AROUND 1245 HOURS. HE HAD SEEN MANY PERSONS IN UNIFORM FIRING AT THE EMBASSY BUILDING. HE SAID HE DID NOT DO SO.

C. HE MADE AN EMOTIONAL CLOSING STATEMENT TO THE EFFECT HE HAD FOUGHT THE ENEMIES OF CYPRUS IN 1942, IN 1955-60, IN 1964 AND IN 1974. HE WAS DOING HIS DUTY
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AS A CYPRIOT VOLUNTEER DURING SOME HEAVY FIGHTING THROUGHT THE JULY-AUGUST 1974 PERIOD AND STOOD READY AGAIN, "TOMORROW, IF NEED BE" TO FIGHT ONCE MORE TO DEFEND CYPRUS. END OF JUNE 15 PROCEEDINGS.

5. SINCE LEFTIS' STATEMENT WAS ALSO MADE FROM THE DOCK, AND WAS NOT SWORN, THE PROSECUTION HAD NO OPPORTUNITY FOR CROSS-EXAMINATION.

6. ON JULY 16 THE DEFENSE AND THE PROSECUTION WILL PRESENT THEIR FINAL ARGUMENTS. THE COURT WILL DELIVER ITS VERDICT ON MONDAY, JUNE 20. PHERSON IS PLANNING TO COMPLETE HIS REPORTS ON THE DAVIES TRIAL BY C.O.B. MONDAY, JUNE 20, AND DEPART FROM NICOSIA ON TUESDAY MORNING, JUNE 21.
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Message Attributes

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ON JUNE
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